City of Lafayette
Lafayette City Council
Special Meeting Agenda

MINUTES

Lafayette Community Center – Manzanita Room **May 16, 2013**
500 St. Mary's Road, Lafayette, California **7:00 p.m.**

1. CALL TO ORDER

Mayor M. Anderson called the special City Council meeting to order at 7:10 p.m.

2. ROLL CALL

Present: City Council: Mayor M. Anderson; Vice Mayor Tatzin; Councilmembers B. Andersson, Mitchell and Reilly

Absent: None

Staff Present: Steven Falk, City Manager; Tony Coe, Engineering Services Manager; Farzaneh Sanders, Senior Engineer; Joanne Robbins, City Clerk

3. PLEDGE OF ALLEGIANCE - Mayor M. Anderson led in the Pledge of Allegiance.

4. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/B. Andersson) to adopt the agenda, as revised to include Item B regarding the discussion of fire issues. Vote: 5-0 (Ayes: M. Anderson, Tatzin, B. Andersson, Mitchell, and Reilly; Noes: None).

5. PUBLIC COMMENTS

ERLING HORN, Lafayette Art Committee, said on June 21, 2013 the committee has planned a project, "A Day in the Life of Lafayette". The Committee is requesting all citizens to take a camera and snapshot, per the bulletin instructions, and submit it to the City staff. The Art Committee will display the photographs at the Library which will encapsulate what the longest day of the year in 2013 looks like.

6. OLD BUSINESS

A. Mayor Anderson – Design Work Session for Mt. Diablo Blvd. Median Layout, First Street to Brown Avenue

Recommendation: Review and approve median layout and direct staff to proceed with final construction documents for pedestrian/bike and streetscape improvements on Mt. Diablo Boulevard from First Street to Brown Avenue.

Mayor M. Anderson asked and confirmed there was unanimous support for the Council to support the concept of having medians installed on Mt. Diablo Boulevard between First Street and Brown Avenue. He then noted the scope of the meeting is for only the medians between

First Street and Brown Avenue. In taking a field trip, the conditions on the streets, sidewalks and planter areas were surprisingly bad.

He said the Council tonight is dealing with medians that will be in the center of the street. There is a concern about what is happening with the sidewalk and landscape along either side, and this is something to be discussed during the Council's budget workshop. He discussed the workshop setting, noting there are plans in the back with markers which will allow groups of people to sit around the table and make corrections or changes to the plan to make it reflect what they think would be the best way to address medians in that section. They are looking to modify staff's original plan so it is something acceptable as an entryway into the downtown from the eastern end and give businesses good access and visibility. There are some engineering principles involved in this, as they are dealing with safety, turning abilities, sight distance, lighting, and other criteria and staff is present to provide opportunities and constraints to keep in mind when modifying the plan.

Tom Camp pointed out that in addition to the City's plan the East End Coalition has put together a modified plan which is also on the table for review.

Another speaker asked and confirmed with the Mayor that he could also place his proposed plan on a table as well for consideration and modification.

Engineering Services Manager Tony Coe stated that the plan staff developed evolved from the Downtown Improvement Master Plan (DSIMPIC) that was adopted back in the late 1980's which called for essentially continuous medians between intersections for this whole project area except at intersections where the medians would narrow to create left-turn pockets at those locations. When going through the first couple of rounds of public outreach, there were many concerns about the continuous medians essentially eliminating mid-block left turn access, and this is where the idea of intermittent medians came about.

He said staff was trying to create a balance between providing access at critical points to properties that are known, large traffic generators and, at the same time, still preserve enough of the street design that was in the vision of the master plan. Staff tried to have certain sized medians in order to have a substantial amount of space to plant trees, install low groundcover, and also to accommodate street lights. Medians are in the order of 50-60 foot minimums. Where gaps are being created, staff looked at where driveway locations are and transition lengths needed to get into those pockets and into the driveways. Other than that, staff has invested a lot of time working with DSIMPIC, a group made up of landscape architects and those with street design expertise, in order to create a plan that would be substantial enough to provide change in the character of the streetscape to achieve the master plan goals while, at the same time, preserving as many access points as possible. He also mentioned that Bob Cleaver and Erling Horn are present from DSIMPIC to address questions he may not be able to answer.

Mayor M. Anderson asked if there are things they absolutely cannot do on the street, and Mr. Coe said it may be cost impact or perhaps impacts to something else that would come as a result from a change or moving something. He would prefer to address these questions on a case-by-case basis. Also, if certain things are moved, it may greatly compromise the streetscape design where, for a small benefit, the trade-off might be huge in terms of the street design.

Councilmember B. Andersson asked when DSIMPIC designed the median project for the downtown, and Mr. Coe said this was in 1988 and designed by a landscape architect under the guidance of DSIMPIC.

Councilmember Reilly clarified that the shortest length achieved is in the order of 50-60 feet and that if smaller than this, the visual street canopy, streetlight and impact of having a median would be lost. Mr. Coe stated that if an island gets too small it could become a safety issue, as people would expect a rhythm of the element in the street.

Councilmember Mitchell said occasionally he sees people making illegal turns on the street, particularly cutting across left turn lanes. He asked if design elements of the current plan might address this issue, and because of that are there certain things the City definitely does not want to see removed. Mr. Coe said the whole idea of medians is to better organize traffic so people behave in a more expected way and turn where they are supposed to. For example, medians are in place at all left turn pockets so people no longer can cut across a left turn pocket turning out of a driveway. So in these instances, he would not recommend deleting the medians in these places.

James Rockefeller, 1024 Willow Drive, said with respect to all projects, he asked if no project is an option, and Mayor M. Anderson said no. The Council has already taken a vote and decided there will be medians out in this section of Mt. Diablo Boulevard.

Bob Cleaver, DSIMPIC and DRC member, stated that part of the process and consideration was for getting better traffic control and better car movement and cooperation, given the two senior housing projects not yet realized in how they get to a safety zone at the corners and crossings at Second Street and the corner at Golden Gate Way.

Participants began the open exercise at tables one through seven. After the exercise, participants then explained their preferred plan results, which included comments and concerns relating to safety for pedestrians, room for vehicles to merge into lanes, retention of certain medians, creation of more space in certain driveways providing access to businesses, creation of pockets for traffic from the new housing developments, relocation of a certain crosswalk, the need for landscaping and streetlights, and Blackwood Lane constraints.

Mayor M. Anderson thanked participants for their work and opened the public comment period. He said the Council will focus on Plan 5 given participant and Council comments, and Plan 5 was brought to the front of the dais.

Public Comments:

TOM BUTZBACH said he fully supports Plan 5 as proposed.

OWEN LINDERHOLM said he enjoyed the process. He suggested that they have now reduced a certain area to one median. He asked to consider this slightly eastward to block fewer driveways, and said it is more centered so it will look better.

Bobbie Freitas ceded her time to Jill Watase.

JILL WATASE, Lafayette Physical Therapy and East End Coalition member, 3468 Mt. Diablo Boulevard, referred to the comment about moving the median closer in and said she has driven it about 12 times and tried to pull in where the median is proposed and she does not feel it is

enough room to make a left into Corporate Terrace. She thinks shortening it will help, as well as it remaining in the same spot. As for the park, she is sad that everyone said they do not need to make a left turn into the park. Given the trail's disrepair she would not feel safe walking it and suggested its access be made as easy as possible so people feel comfortable parking in the parking lot and starting the trail from that place. She agrees that the left most driveway is not going to be there so the median can be moved up. She would like to see the remaining stay clear because there is Ace Auto Repair in there. If made into a turn pocket, they will not have any left turn access. She has also sat many hours in front of the Butler Conte parcel and has seen very large vehicles trying to make that turn which is tight. If the City is going to enforce it and push that down so people cannot make those turns, the business will suffer, and they contribute a lot to this end of town. Regarding shortened medians, she asked to do a study on the turn pockets. She thinks it can be accommodated from an engineering standpoint. Whether or not the City wants to make it wider or not to accommodate streetlights or other things is another story. She thinks the more freedom for car movement in that area the better, especially on the First Street intersection where there is a lot of traffic during the middle of the day for lunches, commute traffic and especially during school hours.

Councilmember Reilly said she does not travel down Blackwood Lane and she asked what businesses are there. Ms. Watase said her favorite business is the Chameleon Consignments and Jayco is the other big business there that does a lot of medical, salon, massage supplies. They have the majority of the larger trucks coming in and she believes there is also access to the Postal Annex on the back side. There are also tow trucks and rental trucks that access the area and if the City makes a decision that trucks cannot turn there, there will be big impacts on these businesses.

DAVID SHAMMAS, McDonalds, said that as he asked at the City Council meeting, understanding there will be some engineering review of various details, he asked how the public will understand the final plan.

Jeff Davis ceded his time to Peter Santini.

PAUL BARENDREGT said in speaking personally, people are generally compromising on something they do not like at all. In watching this, he asked that the Council take the lead and do what business people want. In speaking with the Mayor earlier, he understands there is a grant being written for Brown Street east and residents were supposed to have been talked to by City staff which has not occurred. He asked that the grant writing stop.

Vice Mayor Tatzin said he learned that the application from Brown Avenue East, the ranking for the project applications came in. Lafayette is very far down on the list, so it is highly unlikely they will get funded.

TOM CAMP said he is a lawyer and has been helping the East End Median Coalition who presented the alternative Plan 5 which he endorses. The committee engaged Peter Santini who is a traffic engineer and a licensed City engineer in Walnut Creek, Danville, Dublin, and Citrus Heights long ago, and has been an expert witness and engineer for roughly 300 cities. Mr. Santini does endorse Plan 5. He is available for anybody who has questions. In their discussions he has raised questions about how better to provide lights, situations on the various side roads, and has looked at the median situation and feels Plan 5 works.

Vice Mayor Tatzin asked Mr. Santini for his reactions to the proposals that have been put forward by the Council. The Mayor suggested waiting for Mr. Santini to address the group after public comment.

KENT GRIGG asked if there was a serious study or survey of business owners to determine which businesses receive deliveries by very large trucks. If not, he thinks the Council is approaching the decision with incomplete information and he asked to proceed with caution. Large trucks will no longer be able to park in the center median and park in the outside lane or empty curbside parking spaces and will stick into traffic enough to effectively block the flow through two lanes as even smaller trucks do now. He asked to require a competent study be made of large truck deliveries, questioned if zoning requires large truck access, asked that Councilmembers personally drive this route to familiarize themselves with this area, asked to slow the decision until more is known, asked to consider the needs of the businesses, and progress demands several wide open medians.

Councilmember B. Andersson asked if it is legal for a semi-truck or any vehicle to park in the center lane, and Mr. Coe said no.

PAM ATKINS said there was controversy over the two medians. She agrees with moving them to the middle because spacing is appropriate, it does not affect anybody's driveway and is a good compromise. When going through this process in their group, one consideration was to fix lighting and said when losing a lot of that median lighting will also be lost.

LARRY BLODGETT applauded the Council for the process and said it is unfortunate it did not occur early on, but there will be a compromise. He thinks this is a true test of the democratic process and thanked the Council for listening. He is speaking as a resident and merchant and said they are minimizing the number of islands and trying to do so in order to accommodate current needs. There may be some time in the future where medians may be expanded due to lot consolidation or redevelopment in the area. He asked if engineering staff could look into allowing for conduit in the median areas to save costs in the future. He asked if grant money could go towards future infrastructure and while not on the table for tonight's discussion, he asked for a long-term maintenance plan. Lastly, he would also like this process to occur for the next phase; Brown Avenue down to Pleasant Hill Road.

KEN KOSICH complimented the Council and citizens for working on this project. He voiced concern with the practicality of drawings, the number of U-turns and people not stopping, especially at Golden Gate Way and Mt. Diablo Boulevard where his building is located. He knows the traffic patterns and the way people drive in the area. Trucks come over two and three lanes to go up the hill at Blackwood which is a dead end and these should be accommodated. While people want safety for pedestrians, he agrees making lighting improvements but feels seniors will not cross streets, will not be able to walk that far and will stay on the north side. Not brought up is how to landscape the sides of the street and maintain it. Regarding medians being at the right place, prior to spending thousands of dollars, he suggested the City place cones out for two weeks to see how traffic will flow.

GUY ATWOOD, East End Coalition member, said he thinks a decision should be made on the maintenance issue which must be resolved. If Phase 2 goes through in some form, it will be double the cost of this plan or $60,000 over 10 years plus inflation which does not even account for maintenance done on either side of Mt. Diablo Boulevard. He also wants the City to design a system that looks out and works 10-20 years. The coalition did a study and spoke with businesses in the area and they have all been impacted significantly in a negative fashion.

Therefore, this impacts the City in a negative fashion in sales tax, gas tax and property tax. He spoke with the fire department and they do not want any medians. They also have a requirement that says no tree can be lower than 13.5 feet which also is an argument for fewer trees. No one has also talked about the construction period and asked that this be considered.

CHERYL MACDONALD complimented the workshop venue, said she lives on Hampton Road and goes down these roads all the time as well as patrons the businesses in the east end area. She voiced support for Plan 5. She is concerned with trucks and suggested the Council consider the impacts of large trucks. Neighbors are very concerned with the sidewalks and maintenance all the way down to Carol Lane. She walks with her kids and it is very unsightly. Neighbors also want easy access out of their neighborhoods. Currently they can go into the middle lane, wait and safely merge into traffic and no longer having this will impact residents and businesses. People further down east have talked about trucks making U-turns which is of concern as well, and medians will affect vehicles coming into neighborhoods and affecting kids riding bikes and playing and she asked the Council to consider this.

HENDRICK KIRLEIS, Caffino, said clearly they are completely reliant on accessibility for their customers, which is a drive-through business. He thanked the Council for time to present their cause and those who participated in the process. He said they like Plan 5 which they feel is a healthy compromise, said the east end is unique as a service-oriented district, and asked to keep in mind that lanes will be narrowed. As the current studies go on, traffic patterns have already been altered so people will not see the full impact. Traffic has already been diverted to different roads and sites, and it will take time for the traffic to return once the developments are completed. In terms of a particular issue, he said the reduced median is their only exit for Lafayette Square and they want enough stacking room for the left turn.

Vice Mayor Tatzin said while Mr. Kirleis' point is good, when the Council has asked staff to go back and look at what left turn backups would be, they would not necessarily look at current conditions but cumulative conditions in the DSP traffic study.

GERALD MACPHERSON, said he owns property at the corner of Blackwood and Mt. Diablo, thanked the Council for holding the workshop but wished this could have been done at the very beginning of the process. He heard Ken Kosich suggest that a test be done similar to what is done for a high rise building, and he supports this. They want to be sure the right changes are made to the street ahead of time and he feels it would be inexpensive to put cones out for two weeks to gage the reaction of people. He notes there is truck traffic going up Blackwood. There is a U-Haul facility, towing facility, the medical supply building, and said he has pictures showing trucks backing up the street because they cannot turn around. He would like to see the open area to provide for flexibility in getting trucks up to Blackwood. It also helps his property, as the auto maintenance shop must move cars from one bay to the other which will become difficult to do given the median. They will have to go to the corner and make a U-turn at Second Street, come back down to Blackwood, and make another U-turn into the property. They also move cars up on Blackwood to park them.

Councilmember Reilly said there have been two suggestions about putting some type of cones to demark where medians might go, and asked staff for their opinion. Mr. Coe said in speaking from experience in similar tests, no one will call the City and say they love the cones and barricades. When testing a concept like this, they do not represent the full streetscape character change that medians will provide when the project is done. He thinks they will end up with a selective group of comments.

BILL STEWART, the Stewart Company, said they have several properties in this area and was concerned about Sterling Cleaners. The owner was present earlier. He pointed to the ingress and egress which is critical for westbound traffic. Customers would have to make a U-turn to get into the business when heading westbound. A double U-turn would serious impact their business. There are other dry cleaners in town with a drop-off and he believes Sterling Cleaners would lose about 30% to 40% of their business and asked to consider this impact.

Councilmember Mitchell asked to address the median in front of Boswell's. There were two original medians, and a request to make them smaller. Then there was one and a request to move it further east. Mr. Stewart said their concern would be how many cars they could stack in the middle to turn into Boswell's during heavy event periods. He asked to have at least the ability for 3 cars to stack there. Councilmember Mitchell asked him if moving it east would be of any benefit, and Mr. Stewart said if it was a balance between them and Corporate Terrace, he thinks this would be a reasonable accommodation. Councilmember Mitchell said Corporate Terrace is considerably to the east. Mr. Stewart said if the City could move it slightly it would most likely help them. They want to also be sure they can get a big rig to back into Boswell's loading area.

JEFF DAVIS withdrew his ceded time to Peter Santini who is not going to speak and said he is pleased with the project. He said he got involved when the Roundup was there. The General Plan is just that and there were many changes over time with intersections, signals added, but it serves as a guide. His main concern as a resident is that he likes to get to his destination quickly. He does not want to be bothered with signals, making U-turns, making left turns. This is a prelude to Phase 2 which will bring medians to the rest of town and he is afraid of what will happen is once long, extended medians are in place there will be more U-turns and more signals. This is what happened in the core area. Along with it have come bulb-outs which make it difficult to parallel park. They can see the black rubber tire marks from people trying to get in and out of driveways. Some of the narrow ones like at Boswells make it difficult for two cars to pass each other and when maneuvering in a pick-up truck, you cannot make a right turn and merge with traffic but cross into the fast lane to get out of the driveway which makes things harder. He asked to eliminate bulb-outs if at all possible.

Mayor M. Anderson closed the public comment period.

Councilmember B. Andersson said there are nuances to some of the specific items in Plan 5 and asked the Mayor to repeat what the consensus is and confirm it. Mayor M. Anderson said what they have up on the wall represents what they felt were the appropriate modifications. The only caveats he is hearing for articulation include a concern about truck access at Blackwood Lane where the median has been extended out and whether or not this creates a difficulty for truck access up Blackwood Lane which may need modification. The other caveat is that they extend the median at Sterling Cleaners. He personally likes this and thinks they need this size there for there to be a left-hand turn pocket. Staff can review this to see if any issues are created related to the turning at Sterling Cleaners. Also is the shortened median at the Boswell service access and whether this gets shifted slightly east which is something staff should also review. Each of the places where there are turning pockets, the recommendation is to have a pocket and not just a narrow median so stacking does not occur.

Councilmember B. Andersson suggested a slight modification that since they talked about the median directly north of Boswell's and shifting it to the east a bit so it accommodates both Boswell's and Corporate Terrace, and leave it at the size that it currently is.

Vice Mayor Tatzin said when the median is put in, that anticipated left turns into Corporate Terrace for eastbound traffic. If shifted to the east any more, he asked if there was room before there start to become impacts on the Corporate Terrace traffic. Mr. Coe said this will be the trade-off. If they move the median to the east, it will impact the left turn into Corporate Terrace going eastbound and staff will have to review this. Vice Mayor Tatzin said he thinks the City has moved it as far as it can go so if the City wants to improve access to the eastern or middle driveway of Boswell's, it would have to be a shorter median. Councilmember B. Andersson said this is fine.

Councilmember Mitchell said Larry Blodgett brought up running conduit for future modifications, and asked if this is a viable idea. Mr. Coe said this is already part of the project. Councilmember Mitchell said one subject is lighting. With the proposed modifications, he asked if the light coverage is good. Mr. Coe said this is something staff will have to run a new illumination diagram to see if any big problems turn up. The way the lighting was situated in the past, it provided a very uniform lighting pattern. Staff will see with the way things are chopped up whether or not it has any major impact. If it does, staff will apprise the Council.

Councilmember Reilly said since the Council is talking about reducing some of the medians, the cost might go down. If this is the case, she asked if there is any flexibility in the grant to use in other beautifications that are not medians. Mr. Coe said he thinks they will have to do a final engineer's estimate after direction and approval is received to see where the dollars come out. They do have some flexibility with the dollars, but this is assuming they have money left over.

Councilmember Reilly said assuming they may have some money left over, she asked what flexibility the City has. Mr. Coe said as long as they do something similar to the scope of work in the project within the project limits, they have some flexibility. He said it can be in the sidewalk, but he wants to be careful not to do something that would be considered maintenance replacement. He clarified with Councilmember Reilly that there are a couple of intersections not accessible by a wheelchair because of the grade, which is included in the project to correct to conform to current codes.

Councilmember Mitchell said with regard to Blackwood Court, he asked if there is consensus to receive more feedback from the City Engineer with regard to turning radiuses going up that street. Mayor M. Anderson said they have a concept they like that extends the median, but they want staff to look at the ability for large trucks to use that area that would be left to actually back up Blackwood Lane as they do now. In thinking about downtown areas and delivery trucks, they park wherever they can to get goods to customers. The Mayor clarified that what is greened there does not go all the way to Blackwood, and they talked about striping the left turn pocket which would mean trucks could use that and drive across those stripes if they had to.

Mr. Coe said his first priority is to find a way so the median stays there while at the same time trucks being able to back up Blackwood Lane, and the Mayor said this is correct; the median as drawn there now does not extend, as drawn originally, all the way down to a point. It ends where they have drawn the green there. So they want to look at striping that other section. Mr. Coe asked if the Council wants the median to form a left-turn pocket into Blackwood Lane, and the Mayor said no; they would have striping to create that pocket.

City Manager Falk said with regard to Blackwood Lane, he asked that the Council proposes to the City Engineer to develop a plan that would maximize the length of the median going eastward while still preserving the ability for trucks to back up the road. The Mayor said this is the plan, but whether or not the edge of the green line is in the right place or not would be the

end of the median. Beyond that, to create the pocket, you need something to define that pocket. The sense was that this would be striping and not median. Mr. Falk said this is correct, Mr. Coe will review this and develop a plan that allows a truck to back up and from that geometry heading westward, he can draw a median into the plan. The Mayor said from what they are hearing, a truck cannot do that within the travel lanes. If they can and it is shown they can do this, they can actually extend the median. But the Council was hearing that they need that space into the center to allow them to back up and go up the hill, and this plan allows for striping, which is smart on the part of the Council.

MOTION: It was M/S (Tatzin/Mitchell) to proceed with Plan 5, as modified by the Council which would include studies of the appropriate length for the left turn lanes including long-term traffic projections, the Blackwood access as discussed and the length of the median just to the west of Corporate Terrace.

Mr. Falk suggested an amendment to direct staff to return to the Council with a draft plan at its meeting on May 28, 2013 that includes these changes.

Councilmember Reilly asked if staff should also look at the left turn lane into Sterling which was not part of the motion. She asked to amend the motion to also include looking at a left turn lane into Sterling Cleaners, and Vice Mayor Tatzin/Councilmember Mitchell agreed to the friendly amendment without committing the City to doing that.

Mr. Coe asked for clarification about turning into Sterling Cleaners. The trade-off in his mind is obvious—you will either have a median that will prohibit left turns into Sterling Cleaners or the median will be shortened to a skinny median only along the left turn pocket and this would be the only way a left turn will be allowed. Vice Mayor Tatzin said he was not sure the Council was fully comfortable with either choice yet.

Councilmember Reilly said there were some compelling arguments from Mr. Stewart who spoke about the many U-turns to get into their property. She thought it was an interesting suggestion to see if Mr. Coe could look into this without committing one way or the other. Mr. Falk said he does not believe there will be any new information staff can provide; this is a pure policy decision as to whether the Council wants to add the left turn into Sterling Cleaners or not. The Council indicated consensus to proceed with the median as shown in Plan 5.

ACTION: It was M/S/C (Tatzin/Mitchell) to proceed with Plan 5, as modified by the Council which would include studies of the appropriate length for the left turn lanes including long-term traffic projections, the Blackwood access as discussed and the length of the median just to the west of Corporate Terrace; to direct staff to return to the Council with a draft plan at its meeting on May 28, 2013 that includes these changes, and to not allow left turns into the Sterling Cleaners site. Vote: 5-0: (Ayes: M. Anderson, Tatzin, B. Andersson, Mitchell, and Reilly; Noes: None).

B. Letter from Moraga Orinda Fire Protection District requesting City to facilitate purchase of 1035 Lorinda Lane - APN 249-150-017 in Lafayette for a fire station.

Vice Mayor Tatzin said in talking about medians there are many people who live in Upper Happy Valley who are about 8-10 minutes or more away from emergency vehicle response. This is substantially in excess of any reasonable standard. The reason they are in that situation is because in January, Contra Costa County Consolidated Fire District (Con Fire) chose to close the station on Los Arabis. Subsequent to that, there was an opportunity that arose because the

adjacent district needed to replace their station and found a site on the border of Lafayette and Orinda and proposed this station be shared between Con Fire and Moraga-Orinda Fire District (MOFD). The two chiefs developed a plan to do that and they both recommended it to their respective board. The Council authorized him to speak in support of that at the Tuesday and Wednesday meetings respectively and he will provide a report and then discuss what happens next.

Vice Mayor Tatzin said in summary the Board of Supervisors by a 4-1 vote, with Lafayette's supervisor supporting the proposal, voted down the concept and directed their staff to no longer pursue it. The reasons given were that while they liked the concept, this was not the right time. In the morning they had eliminated several firefighter positions and are anticipating closing another station in July and in January 2014. The other position is that in reviewing their current baseline, they do not believe they have sufficient funds to put in the amount of money requested. At one level this is understandable. What disappointed him was that it was not clear when they would be interested or on what terms.

He thinks the other comment is that it was pretty clear that they were presented with information that said Lafayette property tax revenue for fire services is between $7.5 and $8 million a year and the estimated cost to run the two stations now is about $4.5 million. This would suggest they are making $2 to $3 million a year. It was very clear from comments of several of the Supervisors is that they like that extra money coming out of Lafayette, that they intend to keep it and that when they have extra money to begin to re-open and refurbish stations, it is not clear where they would be on the priority list.

Knowing this, the MOFD Board met the following night and Steve Alexander and John Wyro who are board members are here tonight. They concluded that they could not rely on Con Fire as a partner for this proposal. Their vote was split 3-2 as opposed to 4-1, and that they were unsure about Lafayette being a partner because the Council had not taken action to say it would move to consider detachment from Con Fire and annexation to MOFD. He thinks based on his comments and other information they had, they understand that neither the detachment or annexation process is simple or predictable in all cases.

Therefore, at this stage the Council can do nothing and leave those who live in Upper Happy Valley with inadequate service. He does not personally believe it is the nature of this Council. While the City is not responsible for fire service, they do care about their constituents and they do not necessarily want to start providing fire services because they receive none of the revenue, but they need to see if they can help to start facilitating an agreement that would provide adequate services to their constituents.

Another option is they could seek a partnership for property owners with MOFD which would involve LAFCO approval. His recommendation tonight, given what has happened, is that they pursue shifting from Con Fire to the MOFD District. He thinks there are several things that would have to occur to be successful for both parties. Again, representatives from MOFD may want to comment. First, MOFD gave their staff direction to drop the proposed transaction to purchase the property on Lorinda Lane and Lafayette is not adequately served by their existing station in eastern Orinda. So they would either have to reverse the decision on the land option which could be difficult or Lafayette would have to work with them jointly to find and control through an option on another site that could serve both Orinda and Lafayette and which complies with the other items mentioned.

Secondly, for Lafayette to proceed, they need to see a large outpouring of support from all parts of the community from switching from Con Fire to MOFD. What they have discussed so far is taking a portion of Lafayette that is underserved and saying they can get service through an adjacent district, and without many choices they are likely to agree. The rest of Lafayette may argue that they are adequately served by Con Fire and they may want them to shift from the service of Con Fire to MOFD service. He is not suggesting the service from MOFD would be any worse, but he thinks Lafayette should make sure its populous is behind them in that application before automatically filing. In the end, they are looking for a 7-station operating model that provides adequate response times to all parts of Lafayette, Moraga and Orinda, and he thinks the Chiefs believe that is what the proposal did whether the other 2 stations are part of MOFD or part of Con Fire; that if they shift, they need to make sure that an automatic aid agreement remains with Con Fire as it does currently. Lafayette would continue to be more dependent upon service from Con Fire than either Moraga or Orinda would, so this is an important component for Lafayette, and there would continue to be parts of very northern Lafayette in Reliez Valley that would be closer to a Con Fire station than would become an MOFD station.

Finally, they would need to make sure that at the end of the LAFCO process that the financial situation does not result in any new taxes for Lafayette properties but is also acceptable to MOFD. They could go and ask for residents to vote for a tax, but they voted down the last tax in November. So it would be unfair to MOFD to suggest to them that as part of this agreement they would easily get voters to pass a tax. He recommended directing the City Manager to meet with Chief Bradley to start to work out deal points and also meet with Lou Ann Texeira, Executive Officer of LAFCO, to learn more about the process, timelines, costs involved to Lafayette as the proponent.

Councilmember B. Andersson said he fully supports Vice Mayor Tatzin's approach, but noted it is not just Upper Happy Valley but also Acalanes Valley, and Vice Mayor Tatzin agreed. He said it is a substantial chunk of the City that is directly affected. The rest of the City is affected as well as far as coverage aspects. The other point is that Con Fire has indicated it needs to close two more stations and identified one in Pittsburg but have not identified the other. By some criteria, that one might be the Burton Valley station. What they do know is that there is a considerable amount of time when that station is not manned because they are backfilling other stations and this is only likely to get worse. Regardless, it is not something that just affects the western part of the City but continued reliance on Con Fire is problematic. It was pointed out that Con Fire is getting a lot more from Lafayette than they are providing to Lafayette and they believe this is great. Therefore, he fully supports the proposed movement toward the change.

Councilmember Mitchell said he was not altogether clear on what this means. He asked if they are looking to investigate what it would take to leave via LAFCO or he asked if this was a semi-commitment to MOFD. He knows there is strong public sentiment but there have not been public hearings.

Vice Mayor Tatzin agreed there have not been public hearings. What makes sense to him tonight is to start down the path and investigate it. MOFD may come back and indicate that this morning their staff called the property owner, canceled the option, it is gone and they cannot get it back and there is no property to pursue. Or, they may say in terms of looking at the numbers there is no way they could make this work without Lafayette voters also approving a property tax or something else. He thinks part of it is to have the City Manager meet with their Chief to see if deal points could be worked out that could be recommended to the Council on behalf of its property owners and that Chief Bradley could recommend to the MOFD Board, and also inform

the Council as to the process because it is not quick. He thinks those citizens who are interested need to contact their counterparts in the rest of the City. When the problem becomes fire service throughout the City and not just in western Lafayette, he wants to be sure people have had a chance to weigh in and say they are comfortable with that.

Councilmember Reilly asked if the Council asks the City Manager to investigate this, we are sending a signal to MOFD that we are an interested party and hopefully they could try to reverse that property purchase. Vice Mayor Tatzin suggested letting the two members speak to this.

Mayor M. Anderson said he thinks it will be useful for them to clearly explore the costs and feasibility, but he gets a sense from talking to Vice Mayor Tatzin and others that there are high costs associated with this change so he does not want to raise people's expectations because he does not think it will bear weight on the option of the property that was rescinded just the other day. He does not want to create a sense that Lafayette is ready to come over to MOFD and thinks they need to assess the situation, take the time to gather the information and get a clear picture of whether or not this makes sense. Then people should tell the Council what they think of that. With that caveat, we should go ahead but be clear they are not sending a message that in a couple of weeks they will be ready to get started.

John Wyro, said he is speaking as an individual not representing the Board. What he is looking to the Council for is to see if they can build consensus and a solution recognizing full well that the process will take time. Everyone needs to be satisfied that it makes good economic sense as well as service-wise. They also need to make sure it is worth their while to bring Lafayette in and make sure the organization works. All of this was precipitated by the fact that they were looking at a solution with Con Fire which is still their first choice. It is the simplest way to get Lafayette the protection it needs for western Lafayette, the protection they need for east Orinda and affect the savings for both districts to save $80 million which is staggering. They have a window for this one property that is the ideal location for this to work and as a result of actions taken by the Board of Supervisors, it appears that for the moment that they are not prepared to move forward. Decisions need to be made about buying the property or not. The Board last night did not say do not go forward and look for alternatives but by a 3-2 vote said do not buy the property and cancel the contract. The contract was canceled this morning. This said, this property has not sold to anybody else. He is looking to cobble together a group of people that want to explore this and make it work to convince his board that it is worth making the investment of buying that property through Lafayette and take the time to see if they can find the solution with Con Fire to do a joint station or to create a Lamorinda Fire District that would include Lafayette with representation on the Board as part of the district. He asked for a commitment from the Council that this is a serious idea worthy of pursuit. He believes it is in Lafayette's best interest as well as MOFD's best interest to do it and he needs to convince a couple of board members to see if they can put back together the contract on the property.

Mayor M. Anderson thanked Mr. Wyro for his support of the concept. He is very concerned about creating the expectation that Lafayette can move forward quickly on this. He understands MOFD needs a commitment and it would be hard for Lafayette to make such a commitment without more information to say not only that they have the potential backing of the citizenry but they can actually cover the costs that may be involved. If weighing in the balance is MOFD exercising an option on some property and putting more money into that, he was not sure it was fair to MOFD given the processing Lafayette has to do to get to a point of follow-through on that. If Lafayette's interest in pursuing this is enough to sway members of their board to do it and everyone's eyes are open about the timeline, this is great, but commitment bothers him. All they

can say is that they will make this something they make a priority for investigation and analysis, but the commitment is only that; to obtain the information.

Mr. Wyro apologized and said he did not intend to insinuate they need a commitment to do it. What they are looking for is a commitment to study it, take it as a serious alternative worthy of discussion. His feeling is that with respect to the purchase of the property, it is something they purchase and hope if they can find a partner. If they cannot find a partner to work with them and build Station 46 with Con Fire or Lafayette, they will redo Station 43 as currently planned. The concern he has is if they do that, the Lamorinda Fire District will not work because it will be 8 and not 7 stations and that Con Fire is no longer is then interested in joint venture of a station. So the opportunity will be lost. His feeling is that for them to tie up $1.25 million for a period of time, they can sell the property if it does not work out but it gives them the opportunity to fully explore this without being held to a clock that decisions need to be made by May 27th because that is not realistic. Their board understands that, but what their board does not have a feeling is how serious Lafayette is about being their partner. The only commitment they seek is the City's serious consideration and investigation. Mayor M. Anderson thanked Mr. Wyro for the clarification.

Councilmember B. Andersson noted property values in Lafayette are very strong and it would be a good investment, to which Mr. Wyro agreed.

Steve Anderson said he thinks Mr. Wyro summarized it succinctly. He supports the idea and last night after the Con Fire decision, he took away his support because he does not believe a fire district should be in the real estate speculation business. He took away his support and this is why the deal was terminated today. He thinks it is more than appropriate to explore a Lamorinda Fire District which makes economic sense. Clearly, it is a long process and there is no guaranteed success at the end of it, but he thinks it is worth exploring.

Vice Mayor Tatzin said if they now move into something that involves LAFCO, he spoke with the City Attorney today who also happens to be general counsel of the Santa Clara LAFCO and he spoke with general counsel and Executive Officer of Contra Costa's LAFCO. While nobody believes that he needs to recuse himself on a vote of LAFCO, there is a general sense that if he is not leading the effort on behalf of Lafayette that would be better. It does not mean he cannot vote but he should not be the person out front. He thinks this will take strong Council leadership as well as strong staff leadership. He is very happy to be out front for issues helping to facilitate a discussion between Con Fire and MOFD because it does not involve LAFCO, but it is somewhat harder in this case. He hopes that when the Council comments, how committed are Councilmembers individually to seeing this through whatever the outcome.

Mayor M. Anderson called for public comment.

JEFF DAVIS, said he worked for the Oakland Fire Department for 31 years retired as a captain, is a veteran of the Loma Prieta earthquake and the firestorm. He has followed this topic on the County's website and some of the discussion about Con Fire and Measure Q came up during the median meetings where he saw Vince Wells, the union president for Con Fire and encourage the Council to vote for Measure Q. The Contra Costa Times described his visit as extortion. The Contra Costa Times has adopted this as a project and wants to destroy the fire department which he does not understand. They have written articles about the union, have gone after Chief Louder and described his latest negotiation as a big fiasco. When the Council reads about the fire department, he asked to keep in mind what Contra Costa Times is doing. That said, he watches video tapes of the Board of Supervisors during fire discussions. There

are three that will not be happy until an entire restoration of the fire department returns and will not accept a piecemeal plan. Lafayette used to have its own fire department years ago, and he thinks one of the reasons the station closed was that it needed maintenance and improvements and looking at the cost of staffing it and doing repairs was a major contributing factor of its closure.

GEORGE FIGONE, President of the Acalanes Valley HOA and Lafayette Emergency Preparedness Commission, said he was a 30 year employee with the City of Richmond Fire Department now retired and said the 44 homes they have in the association are concerned about the status of emergency services. He said Station 17 does go out quite a bit which leaves their area with just one station covered. The rest of it is on MOFD. Automatic mutual aid was discussed and it is a common courtesy provided by all fire departments throughout the nation. From working in North Richmond when they had to deal with Engine 70 which was Con Fire Station, many times they responded in the area and it can only last for so long before manpower suffers from it, tax dollars suffer from it, and they need reimbursement. If it continues with MOFD in Lafayette, the same thing will happen. He praised the Council for stepping up and taking the time to follow-through with this. He suggests that given negotiations and planning, to have a subcommittee which could be helpful. Con Fire is in a bad state of affairs and he does not see them coming through for some time. There were comments from the Board of Supervisors that say that going through and purchasing the station and putting personnel there was not fair to the rest of the county. However, it is not a matter of unfairness but a matter of lives and property at stake and this is the most important thing to take into consideration. He voiced his full backing and said he would like to see the public come out and support this as well.

BILL GRANADOS, Contra Costa County Fire Protection District Fire Commission, said their commission is advisory and does not carry as much weight as elected boards but they are still as passionate about what is going on with the District. He does not want Lafayette to give up on Con Fire. They have Lafayette's interest at heart and are trying to do something to help. When Station 16 was found to be in bad condition and had to be closed and the company moved to Station 15, it moved to the top of the list to be re-done given funds available. He said Lafayette is talking about detaching and removing itself from Con Fire. In 1963, Station 17 came to be with a two-man staff. In 1964, Station 16 came to be with a two-man staff. In 1967, Station 15 came to be with a captain, an engineer and a firefighter which was a headquarters station. In 1968 when the City incorporated the Council looked into the fire department and found it would be better for them to go to a bigger district and in 1969 that occurred. A fellow commissioner was transferred to Con Fire into the Lafayette area and he told him it was a big advantage to Lafayette at that time. All stations ended up with captains and three man crews which began in 1969. Finally in 2010, Station 16 closed, but all the years prior to that they have taken very good care of Lafayette. He thinks the last thing they want is for Lafayette to leave, but if it must, he understands. The Con Fire Board said no which he was very unhappy about for Lafayette and for the District. They have financial problems which will eventually end and things will be back to where they belong and in speaking as an individual and commissioner, he asked the Council to consider the fact that they are not abandoning Lafayette.

Councilmember B. Andersson asked for Mr. Granados' feeling about reopening Station 16. Mr. Granados said this is at the top of their list. He added that their commission has have talked about Station 46 since 2002, with the current and previous chief. Councilmember B. Andersson said given that Station 16 will not re-open in the next few years he asked when he thought it would. Mr. Granados said he was not sure, but it would be one of the first to get staffed. He added that Con Fire is a district with 9 cities and unincorporated parts of the county. When they

close a station they have a computer that tells them where the station should be, how they will work, what the response times will be when closing stations and it picks the proper one. Regarding Station 87, this is the one scheduled for the next closure, but nobody knows what the next one will be. The ones with low volumes have been affected already and there really is not another that they can close. While we know Lafayette is paying too much, they also know that Pittsburg is paying too little, and they must look at the entire district, put all the money into a pot and take care of all of the stations.

Mayor M. Anderson thanked Mr. Granados for coming. It is important that Con Fire have some opportunity to speak, and while he does not want to carry it back to everybody, he is not feeling the love and they are going to look very serious at moving on. It is said they got dangled to have to deal with this. Supervisors have not stepped up to the mark.

PETER CLARK, Happy Valley Improvement Association, said he appreciates Vice Mayor Tatzin attending all meetings. His story about what has happened last week was very clear, and he appreciates him saying to everybody that their service in western Lafayette is unacceptable right not and that MOFD is starting to do something about it. He is very pessimistic about Con Fire. He thinks they have abandoned Lafayette. Their fiscal situation is deplorable. They are not going to recover and when thinking about the cost of moving to MOFD, the Council should think of it relative to doing something else besides staying with Con Fire. He thinks Con Fire is a non-issue and they must stop dealing with them and move onto something better.

MARTHA CLARK, echoed her husband's comments, said she does not envy the Council's position and thanked Vice Mayor Tatzin for his work. She added some data points to reinforce her feeling of abandonment. With or without a potential partner, Lafayette should be looking at leaving the Con Fire District. Every time she goes to a meeting they talk about how the tax revenue problem is the issue, but she took the time to go back from 2000 to 2012 and looked at income statements. It has a spending problem through unforgivably bad management which still exists, and the Board of Supervisors is still oversees the district. At a time when housing and population in the district being served grew by 20% to 25%, tax revenues from 2000 to 2012 grew by 55%. Con Fire increased expenses by 79%. She lives in a world where people do not do this. Con Fire's spending problem is two-fold in her view; they have been reluctant to consider other service models. While emergency medical service grew tremendously relative to fire calls, they still send a fire engine for every EMS call in the district which is a travesty. There are pension problems that have also ballooned since 2002 and are not well reflected in the current financial statements. If they do not look good on paper right now, the real cost is coming down the road. By any reasonable analysis, they will be bankrupt and insolvent, and their solution is to cut service. They have gone from 30 engine groups to 22 after these cuts all while they cannot deal with their service model or pension obligation. She does not believe Lafayette can rely on Con Fire. They will continue to be badly managed and even if the cost of leaving is high she thinks staying with them will be more expensive in the long run.

GUY ATWOOD, said he represents 4% of the single family homeowners in the City in Springhill Valley. He is also part of an organization that represents over one third of homeowners in the association. This is not a simple issue. He supports what the Council is doing and the direction it is going, but he does not want to leave out Con Fire as an option. He thinks the Council needs to explore all options because he understands how difficult it will be to make the change and how long it will take. It will be hard to sell people on the fact that their property bill will rise from $75 to $200 for this issue unless the larger group can lower the bill because of more people. It will be a hard sell. He also said he met with Louis Brouchard, the Fire Marshal today on several issues and he was impressed to the extent of keeping the door open and talking about solution

and he asked that the Council not just go in one direction. He agrees with everything else said here and thinks Con Fire has some issues. Until they can clean up their own house, it will continue to be a problem. He also likes the concept of local control which they may have more with MOFD.

ERLING HORN, said he thinks the Council is heading in the right direction. He thinks Con Fire has demonstrated their lack of concern for the people of Lafayette. We are paying for a professional fire department but not receiving that kind of service, as defined in the Uniform Fire Code, and it does not appear they will make any changes in their approach to this. Although he agrees with Mr. Atwood that we should ask to work with Con Fire to the extent possible, but he thinks they have put themselves in a position of not considering other service deliveries which they can. They can achieve some of the timeframes and parameters in the Fire Code with some of these options, but they absolutely refuse to consider them. He thinks they have shut the door and the City has not. He encouraged the Council to work with MOFD and others, is very concerned about what it will cost, it may be that Con Fire will want to hold up the City and make is so expensive, but this can be dealt with. He commended the Council and wished them well.

Vice Mayor Tatzin asked and confirmed that Mr. Horn will be willing to work with his neighborhood.

Councilmember Reilly thanked Vice Mayor Tatzin for all the work he has done. She had an opportunity in the early stages to attend some Board of Supervisor meetings. One stood out when former Mayor Erling Horn had sent a letter about at least looking at a two man team which had the full support of the Council. She was disappointed as to how quickly it was not even considered. Unfortunately, being new to the whole process it was an enlightening moment because this was the beginning of something that would be very good. She did not sense there was much concern of the Supervisors with Lafayette's predicament. That said, she agrees with all points brought out tonight. It has been time for change and the City needs to start seriously pursuing other options. She does not disagree that they should leave a door open with Con Fire but is skeptical with what they demonstrated thus far that they will be willing to meet them in a reasonable place. She would support moving forward in investigating and looking at other options within MOFD. She understands Vice Mayor Tatzin's predicament. Being a new councilmember she is hesitant to take a lead on the matter, but she is willing to help in whatever way she can if some other councilmember wished to take a lead position where Vice Mayor Tatzin could not.

Councilmember B. Andersson said he was also at the same meeting where Supervisors thumbed their nose at the two man team. He was perhaps just as disappointed but not nearly as surprised having been involved in fire issues for about 25 years. As far as keeping the door open to Con Fire, the City is with Con Fire at the moment. He is not sure they have closed the door on them but rather standing there holding it open. He thinks the key here is that if they do not move in another direction, then they remain the City's only option. Regarding leading an effort, he would offer to do this. He and Councilmember Reilly are the Public Safety Subcommittee of the Council and he has been involved with Mr. Figone, Mr. and Mrs. Clark, and others for a while trying to figure out what to do at various stages as this situation has progressed.

Mayor M. Anderson clarified that it is Councilmember B. Andersson's suggestion to make this a part of the Public Safety Subcommittee.

Councilmember Mitchell indicated he did not have anything to add to comments.

Councilmember Reilly said they have received many offers in the past for some type of task force and those offered have a lot of pertinent background that would be helpful. She would like the representation be two-fold as it would help with some fire service knowledge base and in getting the public involved to make this happen.

Vice Mayor Tatzin said he also thinks the City should shut the relationship off with Con Fire. His understanding is that MOFD is looking for a partner, and as Mr. Wyro said, the obvious partner is Con Fire because they provide the service. He would not be at all disappointed that as they go down this road, Con Fire's view of what they can or should do changes and they approach us and say, it wasn't such a bad idea after all; that maybe they cannot agree to this deal but some other. He said he did speak with two Supervisors prior to Tuesday's meeting to briefly present Lafayette's position and hear them. None of them are happy that they are closing stations anywhere and are emotionally upset about what is going on. They realize they are putting lives at risk, both of firefighters and citizens. It is not clear that if he were in their position he would have done anything differently. The difference Lafayette has is that it has an option that some of the other areas do not have because they are not adjacent to a district that might want to partner. For Lafayette residents, he does not think they can turn that option down.

Vice Mayor Tatzin said he also met with the President of the Firefighter's Union which covers Con Fire as well as MOFD and several other districts. He said at the Board of Supervisors' meeting that they are not opposed to the joint station in concept; that they did not agree to the specific deal the chief drafted. To his credit, he was the only one who offered alternative deal points and it is not clear whether these would have been acceptable to the Board or MOFD, but he credits him for thinking about how they could put something together. Therefore, he would encourage the committee to establish contact.

Mayor M. Anderson suggested the Public Safety Subcommittee develop a task force proposal to bring back to the Council which would look at the issue and also start obtaining buy in from residents. Key questions are the size of task force, content, and timeline for the process. He recommended the City Manager assist with staffing and to analyze the possibility of leaving Con Fire and joining MOFD. Ultimately, he thinks it will cost more money no matter what the City does. He also suggested the City Manager start making inquiries as to opportunities and options the City has with LAFCO, as well.

ACTION: The Council directed the City Manager to investigate and to analyze the possibility of leaving Con Fire and joining MOFD; directed the Public Safety Subcommittee of the Council (Councilmembers B. Andersson and Reilly) to develop a task force proposal and timeline and return to Council on June 10, 2013.

14. ADJOURNMENT 11:30 PM

APPROVED:

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Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk